

Tuesday, October 13, 2020

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Mike McGowan

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Sam Rosti called the meeting to order at 5:32 p.m.

Jason Russell with Buckhorn Estates West attended the meeting just to observe.

KEVIN CRAIG AND DAVE BAILEY – BAILEY ENGINEERING TRAPPER RIDGE SUB. #3/#4

Bailey Engineering brought plans for Trapper Ridge subdivisions #3 and #4 for the Board to review. Jerry Kiser said the Board does not have any issues with #3. The main issues are with #4. The concerns are closeness to canal, seepage, drainage and controlling underground water. Sam Rosti said he voiced his concerns to Sean Brownlee several years ago. Mr. Craig said they widened the distance from the canal an additional 25' from the necessary 25' easement. He also said that would be common area. In the design any excavation would be outside of a 2:1 slope and in fact excavation will take place at a 4:1 slope. Sam asked if they have considered a French drain to collect any seepage. The Board is concerned about water getting into the crawl spaces of the homes. Mr. Bailey said a drain could be installed in the common area. Bailey Engineering would like to do some studies on any potential seepage to determine if it could end up into the crawl spaces. Mr. Bailey explained homes along the canal would have a garage on the bottom and house above. He asked about putting in a French drain at the back of the retaining wall of each home rather than a large ditch. The individual drains would drain into the street drains. The Board is not opposed to that idea. Mr. Craig said they would add the French drains to the grading plans and the construction plans for the site.

Minutes from the September meeting were mailed to the Board prior to the meeting for review.

Mike McGowan moved to approve the minutes with revisions; motion was seconded by Lloyd Akins.

Rosalie Cope reported she has been in communication with shareholders who Jerry sent pre-lien notices. The properties have all been sold and Farmer's Union was not notified by Title. Rosalie is working with the property owners on transferring the water shares and collecting past due assessments. Brower has not responded.

Paul Akins moved to approve the financials; motion was seconded by Mike McGowan.

ATTORNEY'S REPORT

Jerry provided the Board with a letter from Mr. Ostrogorsky in Summerhill subdivision regarding the letter previously sent to the residents by Jerry. Mr. Ostrogorsky would like to be apprised of any work Farmer's Union plans on doing in regards to hillside stability.

Jerry informed the Board he sent the letter with revisions to Echohawk Estates subdivision in regards to the locked gates. The letter included language that an agreement is not needed and if the gate is not locked correctly it will be removed.

Jerry reported storage water at Arrowrock was lost this season due to problems with clamshell gates. The BOR is trying to pass the loss on to the space holders. The space holders are of the opinion the BOR needs to absorb the loss since lack of maintenance was the cause of the loss. The hydraulic hoses are now going to be replaced every other year. They were ten years old when they failed. The Board of Control and a group of space holders is working together to ensure the BOR accepts responsibility for the loss. If passed on to the space holders the loss to Farmer's Union would be approximately 200 acre ft.

TRIDENT RIDGE

Jerry has been in contact with Eric Scheck regarding the crossing agreement for a bridge for Trident Ridge. They have authorized John Carpenter to begin construction drawings and will forward the plans to Jerry for Board review. They are planning to start construction in October of 2021 once the water is out.

Jerry reported Greg Hordemann at 12576 W New Hope Rd. has an application to split the 10 acres into two 5 acre parcels. There are 5.104 inches of water for the property. Jerry replied with a standard subdivision/development letter outlining there is not enough water to irrigate the full property as it is. They will not be able to irrigate two 5 acre parcels and will need a pressurized system.

Jerry provided the Board with a draft letter to Don Newell informing him water will not be turned in to Roselands HOA or Collina Vista HOA in the spring if flow meters are not installed. He is also going to send a copy to Roselands HOA.

Jerry received a copy of a preliminary order from the hearing officer with IDWR in the Lexington Hills/Suez water transfer application. The application was denied. They could not prove the water was going to be used for irrigation on specific ground because it would be comingled. They also couldn't say what else the water was to be used for when it was not in use for irrigation. The application will still go to the Director to become final order. At that time they can appeal the decision.

Levi Glynn sent Jerry a diagram of his proposed pump system. Jerry does not like the location; it is next to John's Landing Road. Jerry is of the opinion the system needs to be placed near the bridge abutment similar to Dobson's. Jerry stated we still need to review how much water Dobson used for the season to determine if there is any water available for Mr. Glynn to purchase.

Jerry received a reply from the BOR in regards to the letter he sent in December of 2019 asking how the Corps can request a \$7 million office building in the budget for Lucky Peak and dictate other decisions of such significance. Jerry would like the Board to review the letter for discussion at the November meeting.

CAPITAL VIEW

Jerry spoke to Mike Meyers at District 63 and he is willing to provide training to the ditch riders and/or Board training on flow meter reading and water consumption calculation. Mike would be happy to help. A meeting needs to be set with him over the winter.

Jerry received an email from Idaho Power regarding a project off Duncan Lane on the other side of Hill Road. Jerry thinks the project is under the jurisdiction of Boise Valley.

WATER RIGHT PROTEST

Jerry sent an email to Bryce Farris and Abby Germain with the City of Boise asking if a meeting is going to be scheduled with Rex Barrie. Jerry received a response from Ms. Germain stating the City has met with Terry Scanlon with SPF water to further discuss the concerns raised by Farmer's Union and Thurman Mill at the last pre-hearing conference. They are continuing to gather data and information. The City will be in touch to set up meetings with each individual party, Terry and Rex. It is doubtful any progress will be made prior to the next scheduled follow up conference on the 27th. Jerry thinks Farmer's Union needs to remind the City there was no water other than Crane Creek coming into the canal until the ponds were developed as part of the park. Lloyd Akins asked if the City has provided any record of the canal water purity coming in at the diversion. Jerry stated there were some water samples taken at or near the headgate. Sam asked about the map of sampling locations that was previously provided to the Board. Jerry said there is nothing written into the agreement regarding water quality monitoring. The City said they were going to monitoring water quality and would provide the Board with reports. To this date only one report was provided, samples were not taken in the agreed upon locations and the data was impossible to decipher. Jerry stated the main thing being sampled for was ecoli. They were not sampling for milfoil and other invasive species. Lloyd is of the opinion DEQ needs to be involved in monitoring the quality of water coming out of the ponds. Jerry said another problem is that Crane Creek also spills into the canal in the same proximity. It needs to be determined what the water quality is out of the ponds. Jerry said Farmer's Union can ask to engage in discovery to get access to all

of the sampling reports done by the City. The Board is still in agreement the water from the ponds needs to be piped under the canal rather than spilling into the canal.

TRASH RACK

Jerry Kiser reported the plans for the temporary trash rack were sent to ACHD. He has not received a response yet. Jerry sent Ryan Cutler an email regarding installation of the flow meter. They have bids on the hardware and are waiting on an estimate for installation. There is still a question as to where the flow meter should be installed. Craig suggested the meter should be installed below the box culvert. It could measure a drop in flow which would alert blockage in the culvert. Jerry is going to call ACHD again next week to keep things moving.

There are no new comments regarding the Green Meadow spill at this time.

The Board went into executive session to discuss legal matters.

BUDGET

Rosalie reported she is working on a draft of the budget and asked what the Board's plans are for assessment rates. She reported 2020 was to be the third and final year of increases for Farmer's Union shareholders and 2021 will be the second year of increases for Boise Valley and "Other" water users. The Board would like Rosalie to calculate the expected assessments for Lucky Peak based on the BOR's budget for review at the November meeting.

Jerry will reach out to the Thomas' to schedule a meeting discuss if they still want to maintain the property as per the agreement with Eberhardt or if they want to revert maintenance of the canal easement back to Farmer's Union.

The Board asked Rosalie to contact John Stone for information regarding flow meters and possibly a few recommendations on flow meters for small pumps.

HEADGATE BOOK REVIEW

Rosalie reported the committee met following the last meeting to finalize confirmation of pump locations on Beacon Light. Rosalie is of the opinion all of the questions have been cleared up and will provide the Board with new headgate books once the pending water transfers are complete.

PUMP SIGNAGE

Rosalie reported the stakes and numbers for pump signage have been delivered to the shop and the ditch riders will be working on getting them out.

Henry's Fork HOA has determined they are utilizing both their New Dry Creek and Farmer's Union water therefore they will no longer be pursuing the sale of their Farmer's Union water.

Ken Fry spoke to Lloyd about the possibility of putting in an ag. bridge across the canal on his property. Mr. Fry provided a rough diagram of where he proposes to put the bridge. Mr. Fry will have plans for the bridge drafted and plans to attend the November meeting.

The Board went into executive session at 8:41 p.m. to discuss legal matters.

Paul Akins moved to adjourn the meeting; motion was seconded by Mike McGowan. Meeting adjourned at 9:01 p.m.